



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404

September 24, 2012

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

e-filed

Re: Local Lodge S-76 of the International
Association of Machinists & Aerospace
Workers, DL-1 AFL-CIO
(South Jersey Energy Service Plus)
Case 04-CB-083627

Dear Executive Secretary Heltzer:

Enclosed please find an original and copy of Counsel for the Acting General Counsel's Motion for Default Judgment (including attachments thereto) in the above-referenced case.

Copies of the above Motion have been served this day on the persons below by e-mail.

Very truly yours,

David Faye
Counsel for the Acting General Counsel

cc:

Laurence G. Powell, c/o Local Lodge S-76 (local76@verizon.net)
S. Rudder, (srudder@sjindustries.com)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

LOCAL LODGE S-76 OF THE
INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE
WORKERS, DL-1, AFL-CIO

And

Case 04-CA-083627

SOUTH JERSEY ENERGY SERVICES
PLUS

MOTION FOR DEFAULT JUDGMENT

Counsel for the Acting General Counsel, pursuant to Sections 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board, herein called the Rules and the Board, respectively, hereby moves for Default Judgment and requests the Board to transfer, and continue before the Board, the Complaint issued herein and the proceedings related thereto. In support of the Motion, Counsel for the Acting General Counsel avers as follows:

1. The charge and amended charge in this matter were filed by South Jersey Energy Services Plus, herein called SJE, on June 21, 2012 and August 21, 2012, respectively. Copies of the charge and amended charge were served on Respondent Local Lodge S-76 of the International Association of Machinists & Aerospace Workers, DL-1, AFL-CIO on June 21, 2012 and August 22, 2012, respectively. Copies of the charge, the amended charge, and the associated letters or affidavits of service thereof are attached hereto and marked as Exhibits 1, 2, 3 and 4, respectively

.

2. On August 29 2012, the Regional Director for the Fourth Region of the Board issued a Complaint and Notice of Hearing in this matter alleging that Respondent was engaging in conduct in violation of Section 8(b)(3) of the National Labor Relations Act, as amended, herein called the Act. Respondent was directed to file an answer to the Complaint within fourteen (14) days from the service thereof (on or before September 12, 2012) as required by Sections 102.20 and 102.21 of the Rules. The hearing on the Complaint is currently scheduled to begin on November 12, 2012. Copies of the Complaint and Notice of Hearing, the Affidavit of Service thereof, the Domestic Return Receipt and a UPS document showing receipt of the Complaint are attached hereto and marked as Exhibits 5, 6, 7 and 8, respectively.

3. The time for filing an answer under the Rules expired on September 12, 2012.

4. By letter dated September 14, 2012, Respondent was advised that its Answer to the Complaint was overdue and that a Motion for Default Judgment would be filed if Respondent's Answer was not received by September 21, 2012. A copy of this letter is attached hereto as Exhibit 9.

5. Respondent has failed to file an Answer to the Complaint.

6. It is therefore submitted that Respondent has failed to comply with the Rules concerning the filing of an Answer and, accordingly, the allegations of the Complaint should be deemed to be found to be true pursuant to Section 102.20 of the Rules.

NOW THEREFORE, the undersigned Counsel for the Acting General Counsel moves that: (1) the Complaint in this proceeding be transferred to and continued before the Board; (2) the Board find the allegations of the Complaint to be true; (3) the Board issue a Decision and Order finding and concluding that Respondent has violated Section 8(b)(3) of the Act as alleged

in the Complaint, and requiring Respondent to post an appropriate notice; and (4) the Board grant such other and further relief as may be appropriate.

Signed at Philadelphia, Pennsylvania this 24th day of September, 2012.

A handwritten signature in cursive script, reading "David Faye", written over a horizontal line.

DAVID FAYE

Counsel for the Acting General Counsel
National Labor Relations Board
Fourth Region
(215) 597-7654

INTERNET
FORM NLRB-508
(2-00)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case 04-CB-083627 Date Filed 6/21/12

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name Local 76 of the International Association of Machinists and Aerospace Workers, AFL-CIO	b. Union Representative to contact Laurence G. Powell, President
c. Address (Street, city, state, and ZIP code) ① 375 N. Main St., Suite B1 Williamstown, NJ 08094 ② 28 Villa Ave. Pitman, NJ 08071	d. Tel. No. (856) 262-8766 e. Cell No. (856) 498-1362 f. Fax No. 1-609-704-1608 g. e-Mail Local576@verizon.net

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since late 1/12, the Union has failed and refused, upon request, to execute a new, agreed-upon collective bargaining agreement consisting of the collective bargaining agreement and the attached signed and ratified Memorandum of Agreement dated 10/20/09.

3. Name of Employer South Jersey Energy Service Plus 1 N. White Horse Pike, Hammonton, NJ 08037-1875	4a. Tel. No. 1-609-561-9000 c. Fax No. mha@ter	b. Cell No. (609) 805-1188 d. e-Mail mha@ter
5. Location of plant involved (street, city, state and ZIP code)	b. Employer representative in contact Michael Hatten, V.P.	
7. Type of establishment (factory, mine, wholesaler, etc.) Heating, Air conditioning, and Appliance Repair	8. Identify principal product or service Service Technicians	9. Number of workers employed 75
10. Full name of party filing charge South Jersey Industries Service Corp	11a. Tel. No. 1-609-234-1618 c. Fax No. 609-704-1608	b. Cell No. 1-609-234-1618 d. e-Mail studder@sjindustries.com
11. Address of party filing charge (street, city, state and ZIP code) 1 South Jersey Plaza, Folsom, NJ 08037-9009		

12. DECLARATION
I declare that I have read the above charge and that the statements herein are true in the best of my knowledge and belief.

By (signature, or representative, or person making charge)
Suzanne Rudder Labor Relations Specialist

1 South Jersey Plaza, Folsom, NJ

Address (signature) (date) 6/20/12

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of the information may be made to the public or to other agencies. Failure to supply the information will cause

RECEIVED 06-15-12 14:50 FROM- 2155977650

EXHIBIT 1

JUN-21-2012 11:57

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98%

P.02

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
LOCAL 76**

Charged Party

and

**SOUTH JERSEY INDUSTRIES SERVICES
CORPORATION**

Charging Party

Case 04-CB-083627

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 21, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

LAURENCE G POWELL, PRESIDENT
IAM LOCAL LODGE 76
LOCAL LODGE 76
375 N MAIN ST SUITE B1
WILLIAMSTOWN, NJ 08094


INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS LOCAL 76
28 VILLA AVE
PITMAN, NJ 08071-2429

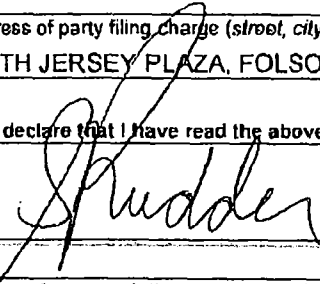
June 21, 2012

Date

Edward P. Canavan
Designated Agent of NLRB

Name


Signature

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		04-CB-083627	8/21/12
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Local 76 of the International Association of Machinists & Aerospace Workers, AFL-CIO		b. Union Representative to Contact LAURENCE G POWELL	
c. Address 375 N MAIN ST SUITE B1, WILLIAMSTOWN, NJ 08094 and 28 Villa Ave., Pitman, NJ 08071		d. Tel. No. (856)262-8766	e. Cell No. (215)850-8880
		f. Fax No. (609)704-1608	g. e-Mail local76@verizon.net
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
(a) Since on or about January 31, 2012, the above-named Union has failed a refused to execute the contract embodying terms and conditions of employment agreed to on December 22 and 29, 2012, and			
(b) Since on or about February 1 or 2, 2012 the above-named Union failed to respond to South Jersey Energy Service Plus, LLC's request that the Union execute the contract embodying terms and conditions of employment agreed to on December 22 and 29, 2012.			
3. Name of Employer SOUTH JERSEY ENERGY SERVICES PLUS		4a. Tel. No. (609)805-1188	4b. Cell No. (609)805-1188
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1 N WHITE HORSE PIKE, FOLSOM, NJ 08037		6. Employer representative to contact Suzanne Rudder, Labor Relations Manager	
7. Type of Establishment (factory, mine, wholesaler) Retail	8. Principal product or service Primarily residential installation and repair of air conditioning units	9. Number of Workers employed 75	
10. Full name of party filing charge SOUTH JERSEY INDUSTRIES SERVICES CORPORATION		11a. Tel. No. (609)561-9000	11b. Cell No. (609)234-1618
		11c. Fax No. (609)704-1608	11d e-Mail srudder@sjindustries.com
11. Address of party filing charge (street, city, state, and ZIP code) 1 SOUTH JERSEY PLAZA, FOLSOM, NJ 08037			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: 		Tel No. (609)561-9000	
SOUTH JERSEY INDUSTRIES SERVICES CORPORATION		Cell No. (809)234-1618	
(signature of representative or person making charge)		Fax No. (609)704-1608	
Print/type name and title or office, if any		e-Mail srudder@sjindustries.com	
Address: 1 SOUTH JERSEY PLAZA, FOLSOM, NJ 08037		Date: 8/17/2012	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
LOCAL 76**

Charged Party

Case 04-CB-083627

and

**SOUTH JERSEY INDUSTRIES SERVICES
CORPORATION**

Charging Party

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST LABOR
ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **August 22, 2012**, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

LAURENCE G POWELL, PRESIDENT
IAM LOCAL LODGE 76
LOCAL LODGE 76
375 N MAIN ST SUITE B1
WILLIAMSTOWN, NJ 08094

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS LOCAL 76
28 VILLA AVE
PITMAN, NJ 08071-2429

August 22, 2012

Date

Edward P. Canavan

Designated Agent of NLRB

Name


Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

LOCAL LODGE S-76 OF THE INTERNATIONAL
ASSOCIATION OF MACHINISTS &
AEROSPACE WORKERS, DL-1 AFL-CIO

and

Case 04-CB-083627

SOUTH JERSEY ENERGY SERVICE PLUS

COMPLAINT AND NOTICE OF HEARING

South Jersey Energy Service Plus, LLC, herein called the SJE, has charged that Local Lodge S-76 of the International Association of Machinists & Aerospace Workers, DL-1, AFL-CIO, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 *et seq.*, herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by SJE on June 21, 2012, and a copy was served by first class mail on Respondent on June 21, 2012.

(b) The amended charge in this proceeding was filed by SJE on August 21, 2012, and a copy was served by first class mail on Respondent on August 22, 2012.

2. (a) At all material times, SJE, a New Jersey corporation with its offices in Folsom, New Jersey, has been New Jersey corporation engaged primarily in the residential installation and repair of heating and air conditioning units and other appliance services.

(b) During the past year, the SJE, in conducting its business operations described above in subparagraph (a), received gross revenues in excess of \$500,000 and purchased and received at the warehouse goods valued in excess of \$50,000 directly from points outside the State of New Jersey.

(c) At all material times, SJE has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions or acted in the capacity set forth opposite their respective names and have been agents of Respondent within the meaning of Sections 2(13) and 8(b) of the Act:

Daniel J. Chmelko	-	International Business Agent
Laurence G. Powell	-	President since December 2010
Brian Askins	-	President until December 2010
Jeannie Abbott	-	Recording Secretary
Shawn Garrity	-	former shop steward
Bill Urban	-	former shop steward

5. (a) The following employees of SJE, herein called the Unit, have constituted an appropriate unit for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Appliance service technicians, appliance dispatch & service representatives, installers, plumbers, helpers and parts order entry clerks hired after April 15, 2003, and appliance service technicians, AST inspectors, appliance dispatch service representatives and parts order entry clerks who transferred from South Jersey Gas on September 1, 2004.

(b) At all material times, SJE has recognized Respondent as the exclusive collective bargaining representative of the Unit.

(c) The recognition described above in subparagraph (a) has been embodied in successive collective bargaining agreements, the most recent of which being effective by its terms from January 15, 2005 through January 14, 2009.

(d) At all material times, since at least January 15, 2005, based on Section 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Unit.

6. (a) On or about December 22, 2011 and December 29, 2011, SJE and Respondent reached complete agreement, herein called the contract, containing the terms and conditions of employment of the Unit. The contract was effective by its terms from October 27, 2009 through August 31, 2014.

(b) On January 31, 2012, SJE e-mailed the contract to Respondent and requested that Respondent execute the contract.

(c) Since on or about January 31, 2012, Respondent has failed and refused to execute the contract.

(d) Since on or about February 1, 2012, Respondent has failed to respond to SJE's request that Respondent execute the contract embodying terms and conditions of employment agreed to with SJE, as described above in subparagraph (a).

7. By the conduct described above in paragraphs 6(c) and 6(d), Respondent has been failing and refusing to bargain collectively with the exclusive collective bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(b)(3) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an Answer to the Complaint. The Answer must be **received by this office on or before September 12, 2012, or postmarked on or before September 11, 2012.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the Answer with this Regional Office.

An Answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an Answer electronically, access the Agency's website at **<http://www.nlrb.gov>**, click on the **Cases & Decisions** tab, select **File Case Documents**, and **then follow the detailed instructions.** The responsibility for the receipt and usability of the Answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than two (2) hours after 12:00 noon (Eastern Time) on the due date for the filing, a failure to timely file the Answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an Answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.21. If the Answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of the Answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such Answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

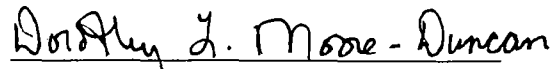
Service of the Answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The Answer may **not** be filed by facsimile transmission. If no Answer is filed, or if an Answer is untimely filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that at **11:00 a.m. on November 12, 2012**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board in a hearing room of the National Labor Relations Board, Region 4, 615 Chestnut Street, 7th Floor, Philadelphia,

Pennsylvania. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Signed at Philadelphia, Pennsylvania on this 29th day of August, 2012.



DOROTHY L. MOORE-DUNCAN

Regional Director, Fourth Region
National Labor Relations Board

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

LOCAL LODGE S-76 O THE INTERNATIONAL
ASSOCIATION OF MACHINISTS &
AEROSPACE WORKERS, DL-1, AFL-CIO

and

Case 4-CB-083627

SOUTH JERSEY ENERGY SERVICE PLUS

Date of Mailing: August 29, 2012

AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document by post-paid certified mail upon the following persons, addressed to them at the following addresses:

Laurence G. Powell, President
Local Lodge S-76 of the International Association
of Machinists & Aerospace Workers, DL-1, AFL-CIO
375 N. Main Street, Suite B1
Williamstown, NJ 08094
(C. 7011 2970 0000 0215 0771 RRR)

International Association of Machinists and
Aerospace Workers Local 76
28 Villa Avenue
Pitman, NJ 08071-2429
(C. 7011 2970 0000 0215 0788 RRR)

Suzanne Rudder, Labor Relations Manager
South Jersey Energy Service Plus
1 S. Jersey Plaza
Folsom, NJ 08037-9109
(C. 7011 2970 0000 0215 0795)

Michael Halter, Vice President
South Jersey Energy Service Plus
1 N. White Horse Pike
Hammonton, NJ 08037-1875
(C.7011 2970 0000 0215 0801)

Subscribed and sworn to before me this

29th day of August, 2012

Designated Agent

/s/ Diane M. Alessandrini

NATIONAL LABOR RELATIONS BOARD

dma:/DAlessandrini/Litigation File/SVC.04-CB-083627.So. Jersey Energy.Service of Complaint & NOH

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Local Lorry Mechanics
Patman, N.J.
Res # CB-053627

Compl + NOH

RAS

2. Article Number

(Transfer from service label)

7011 2970 0000 0215 0788

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7011 2970 0000 0215 0795

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Signature: *[Signature]*

Postage \$ *Manage*

Certified Fee *Energy Series*

Return Receipt Fee (Endorsement Required) *4-CB-083627*

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$

Sent To: *Comp + NTH*

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Postmark Here: *4-CB-083627*

7011 2970 0000 0215 0795

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Signature: *[Signature]*

Postage \$ *Energy Series*

Certified Fee

Return Receipt Fee (Endorsement Required) *4-CB-083627*

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$

Sent To: *Comp + NTH*

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Postmark Here: *4-CB-083627*

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 0215 0788

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Signature: *[Signature]*

Postage \$ *2AM 225-96*

Certified Fee *Re: 4-CB-083627*

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ *Comp + NTH*

Sent To: *RAT*

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Postmark Here

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 0215 0771

U.S. Postal Service™
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Signature: *[Signature]*

Postage \$ *225-96, Farm*

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required) *4-CB-083627*

Total Postage & Fees \$ *Comp + NTH*

Sent To: *RAT*

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Postmark Here

PS Form 3800, August 2006 See Reverse for Instructions



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1ZA4F7172492117930
Service:	UPS Next Day Air®
Special Instructions:	Signature Required
Weight:	1.00 lb
Shipped/Billed On:	09/12/2012
Delivered On:	09/13/2012 11:47 A.M.
Delivered To:	WILLIAMSTOWN, NJ, US
Signed By:	KITCHENS
Left At:	Receiver

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 09/14/2012 10:30 A.M. ET

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EXHIBIT 8



United States

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Tracking Detail

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1ZA4F7172492117930

Updated 09/14/2012 10 30 A M Eastern Time

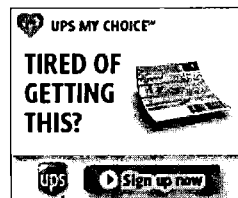
Delivered

Delivered On:
Thursday, 09/13/2012 at 11:47 A.M.[Request Status Updates »](#)**Left At:**
Receiver**Special Instructions:**
Signature Required**Signed By:**
KITCHENS[Proof of Delivery](#)

Shipping Information

To: WILLIAMSTOWN, NJ, US

Shipped By

UPS Next Day
Air®

Additional Information

Shipped/Billed On: 09/12/2012
Type: Package
Weight: 1.00 lb

Shipment Progress

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Shipment Receipt

Transaction Date: 12 Sep 2012

Tracking Number:

1ZA4F7172492117930



Address Information

Ship To:

Local Lodge S-76, IAM, DL-1
Laurence G. Powell
375 N. Main Street, Suite B1
WILLIAMSTOWN NJ 080941475

Ship From:

NLRB-PA-Brennan
Christine Brennan
615 Chestnut ST
FL 7
Philadelphia PA 19106
Telephone: 2155977621

Return Address:

NLRB-PA-Brennan
Christine Brennan
615 Chestnut ST
FL 7
Philadelphia PA 19106
Telephone: 2155977621



Package Information

Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1. 1.0 lbs	UPS Letter		Department - NLRB First Initial Last Name - A Reference # 3 - 241



UPS Shipping Service and Shipping Options

Service:

UPS Next Day Air

Guaranteed By:

12 00 PM Thursday, Sep 13, 2012

Shipping Fees Subtotal:

23.97 USD

Transportation

21.50 USD

Fuel Surcharge

2.47 USD

Additional Shipping Options

Delivery Confirmation:

Package 1: Signature Required

3.50 USD

Total Shipping Charges

27.47 USD



Payment Information

Bill Shipping Charges to:

Shipper's Account A4F717

A discount has been applied to the Daily rates for this shipment

Total Charged:

27.47 USD

Negotiated Total:

7.04 USD

Note: Your invoice may vary from the displayed reference rates.

* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.

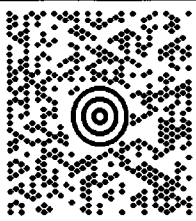



UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible. Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
UPS locations include the UPS Store®, UPS drop boxes, UPS customer centers, authorized retail outlets and UPS drivers.
Find your closest UPS location at: www.ups.com/dropoff
Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

FOLD HERE

CHRISTINE BRENNAN 2155977621 NLRB-PA-BRENNAN 615 CHESTNUT ST PHILADELPHIA PA 19106	1.0 LBS LTR	1 OF 1
SHIP TO: LAURENCE G. POWELL LOCAL LODGE S-76, IAM, DL-1 375 N. MAIN STREET, SUITE B1 WILLIAMSTOWN NJ 08094-1475		
	NJ 081 9-02 	
UPS NEXT DAY AIR TRACKING #: 1Z A4F 717 24 9211 7930		
		
BILLING: P/P SIGNATURE REQUIRED		
Department: NLRB First Initial Last Name: A		
 CS 145 29 WXPET0 30 0A 07/2012		



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404

Telephone: (215) 597-7601
Fax: (215) 597-7658
Email: Region4@NLRB.GOV

September 14, 2012
via first class mail

Lawrence G. Powell, President
Local Lodge S-76 of the International
Association of Machinists & Aerospace
Workers, DL-1 AFL-CIO
375 N Main Street, Suite B1
Williamstown. NJ 08094

Lawrence G. Powell, President
Local Lodge S-76 of the International
Association of Machinists & Aerospace
Workers, DL-1 AFL-CIO
28 Villa Avenue
Pitman, NJ 08071

via first class mail

Re: Local Lodge S-76 of the International
Association of Machinists & Aerospace
Workers, DL-1 AFL-CIO
(South Jersey Energy Service Plus)
Case 04-CB-083627

Dear Mr. Powell:

Enclosed are (1) a copy of the Complaint issued in this matter on August 29, 2012, and (2) the portion of the Rules and Regulations of the National Labor Relations Board (NLRB) concerning the obligation of Respondent Local Lodge S-76 of the International Association of Machinists & Aerospace Workers, DL-1 AFL-CIO to file an Answer to the Complaint.

Respondent's Answer was due on September 12, 2012, but it has not been received. We have the U.S. Postal Service Domestic Return Receipt showing that the Complaint was properly served.

This is to advise you that, consistent with the NLRB's Rules, if you have not filed an Answer to the Complaint by September 21, 2012, we intend to file a Motion for Default Judgment with the Board. If you have any questions, please call me at your earliest opportunity.

Very truly yours,

DANIEL E. HALEVY
Regional Attorney
(215) 597 7615

enc. Complaint/Rules

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

LOCAL LODGE S-76 OF THE INTERNATIONAL
ASSOCIATION OF MACHINISTS &
AEROSPACE WORKERS, DL-1 AFL-CIO

and

Case 04-CB-083627

SOUTH JERSEY ENERGY SERVICE PLUS

COMPLAINT AND NOTICE OF HEARING

South Jersey Energy Service Plus, LLC, herein called the SJE, has charged that Local Lodge S-76 of the International Association of Machinists & Aerospace Workers, DL-1, AFL-CIO, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 *et seq.*, herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by SJE on June 21, 2012, and a copy was served by first class mail on Respondent on June 21, 2012.

(b) The amended charge in this proceeding was filed by SJE on August 21, 2012, and a copy was served by first class mail on Respondent on August 22, 2012.

2. (a) At all material times, SJE, a New Jersey corporation with its offices in Folsom, New Jersey, has been New Jersey corporation engaged primarily in the residential installation and repair of heating and air conditioning units and other appliance services.

(b) During the past year, the SJE, in conducting its business operations described above in subparagraph (a), received gross revenues in excess of \$500,000 and purchased and received at the warehouse goods valued in excess of \$50,000 directly from points outside the State of New Jersey.

(c) At all material times, SJE has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions or acted in the capacity set forth opposite their respective names and have been agents of Respondent within the meaning of Sections 2(13) and 8(b) of the Act:

Daniel J. Chmelko	-	International Business Agent
Laurence G. Powell	-	President since December 2010
Brian Askins	-	President until December 2010
Jeannie Abbott	-	Recording Secretary
Shawn Garrity	-	former shop steward
Bill Urban	-	former shop steward

5. (a) The following employees of SJE, herein called the Unit, have constituted an appropriate unit for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Appliance service technicians, appliance dispatch & service representatives, installers, plumbers, helpers and parts order entry clerks hired after April 15, 2003, and appliance service technicians, AST inspectors, appliance dispatch service representatives and parts order entry clerks who transferred from South Jersey Gas on September 1, 2004.

(b) At all material times, SJE has recognized Respondent as the exclusive collective bargaining representative of the Unit.

(c) The recognition described above in subparagraph (a) has been embodied in successive collective bargaining agreements, the most recent of which being effective by its terms from January 15, 2005 through January 14, 2009.

(d) At all material times, since at least January 15, 2005, based on Section 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Unit.

6. (a) On or about December 22, 2011 and December 29, 2011, SJE and Respondent reached complete agreement, herein called the contract, containing the terms and conditions of employment of the Unit. The contract was effective by its terms from October 27, 2009 through August 31, 2014.

(b) On January 31, 2012, SJE e-mailed the contract to Respondent and requested that Respondent execute the contract.

(c) Since on or about January 31, 2012, Respondent has failed and refused to execute the contract.

(d) Since on or about February 1, 2012, Respondent has failed to respond to SJE's request that Respondent execute the contract embodying terms and conditions of employment agreed to with SJE, as described above in subparagraph (a).

7. By the conduct described above in paragraphs 6(c) and 6(d), Respondent has been failing and refusing to bargain collectively with the exclusive collective bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(b)(3) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an Answer to the Complaint. The Answer must be **received by this office on or before September 12, 2012, or postmarked on or before September 11, 2012.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the Answer with this Regional Office.

An Answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an Answer electronically, access the Agency's website at **<http://www.nlrb.gov>**, click on the **Cases & Decisions** tab, select **File Case Documents**, and **then follow the detailed instructions.** The responsibility for the receipt and usability of the Answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than two (2) hours after 12:00 noon (Eastern Time) on the due date for the filing, a failure to timely file the Answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an Answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.21. If the Answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of the Answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such Answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the Answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The Answer may **not** be filed by facsimile transmission. If no Answer is filed, or if an Answer is untimely filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that at **11:00 a.m. on November 12, 2012**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board in a hearing room of the National Labor Relations Board, Region 4, 615 Chestnut Street, 7th Floor, Philadelphia,

Pennsylvania. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Signed at Philadelphia, Pennsylvania on this 29th day of August, 2012.

Dorothy L. Moore-Duncan

DOROTHY L. MOORE-DUNCAN

Regional Director, Fourth Region

National Labor Relations Board

ANSWER

Sec. 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.*—The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Sec. 102.21 *Where to file; service upon the parties; form.*— An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

Sec. 102.22 *Extension of time for filing.*—Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 102.23 *Amendment.*—The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the administrative law judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the administrative law judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the administrative law judge or the Board.

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gion Four
5 Chestnut Street, Suite 710
hadelphia, PA 19106-4404

OFFICIAL BUSINESS
ENALTY FOR PRIVATE USE, \$300

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Pitman, NJ 08071

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